

FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH  
BY: \_\_\_\_\_  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

GEORGE R. TORPE, an individual,  
Plaintiff,  
v.  
AURORA LOAN SERVICES, LLC, *et al.*,  
Defendants.

**ORDER ON MOTION TO DISMISS**  
Case No. 2:11-CV-00971-BSJ  
Judge Bruce S. Jenkins

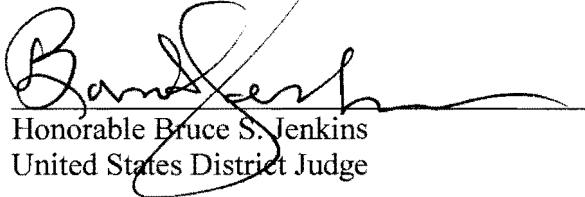
Defendants Aurora Loan Services, LLC, Aurora Bank, FSB, and Mortgage Electronic Registration Systems, Inc.'s Motion To Dismiss came on regularly for hearing before the Court on Wednesday, January 4, 2012, at 10:30 a.m. Plaintiff was represented by attorney Hal Armstrong. The moving Defendants were represented by attorney Philip D. Dracht. The Court having reviewed the parties' submissions and having heard oral argument, and being well advised on the pleadings, it is hereby ORDERED:

1. Movants' motion to dismiss is GRANTED as to Plaintiff's First Cause of Action (Declaratory Judgment), and Fifth Cause of Action (Injunctive Relief); and
2. Movants' motion to dismiss is DENIED as to Plaintiffs' Second Cause of Action (Breach of Contract/Breach of Covenant of Good Faith and Fair Dealing), Third Cause of Action (Promissory Estoppel), and Fourth Cause of Action (Breach of Covenant of Good Faith and Fair Dealing);

Defendants shall file an answer to the Complaint within 20 days.

DATED this 6 day of January , 2012.

BY THE COURT

  
Honorable Bruce S. Jenkins  
United States District Judge

*Approved as to form:*

FABIAN & CLENDENIN, P.C.

/s/ Philip D. Dracht

Philip D. Dracht  
Felicia B. Canfield  
Attorneys for Movants

#### CERTIFICATE OF SERVICE

The undersigned certifies that, on January 11, 2012, the foregoing document was sent, by first-class United States Mail, postage prepaid, to:

Philip S. Dracht  
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